

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

12	ROBERTO J. BLANDINO,	)	No. C 11-4807 JSW (PR)
13	Plaintiff,	)	<b>ORDER DENYING</b>
14		)	<b>DEFENDANT'S REQUEST FOR</b>
15	v.	)	<b>STATUS CONFERENCE;</b>
16	UNITED STATES; DOES 1-10,	)	<b>DIRECTING DEFENDANT TO</b>
17	Defendant.	)	<b>COMPLY WITH ORDER OF</b>
18		)	<b>SERVICE; DENYING</b>
		)	<b>APPOINTMENT OF COUNSEL</b>
		)	<b>(Docket No. 3)</b>
		_____	

19 Plaintiff, a detainee of the United States Customs Enforcement (“ICE”), filed this  
20 complaint under the Federal Tort Claims Act. On October 26, 2011, the Court found that  
21 the complaint stated a cognizable claim for relief and ordered the United States Marshal  
22 to serve the complaint upon Defendant. Defendant was served on November 1, 2011,  
23 and filed an answer on December 22, 2011. The Order of Service also required  
24 Defendant, within ninety days, either to file a dispositive motion or notify the Court that  
25 it is of the opinion that this case cannot be resolved by such a motion. Defendant has  
26 done neither despite the fact that the deadline for doing so passed approximately sixty  
27 days ago. Instead, Defendant has filed a “request to be placed on the Court’s regular  
28 case management calendar and to set this matter for an initial case management

1 conference.” That is not one of the options Defendant was ordered to elect, however, nor  
2 is such a course preferable in a case such as this in which the Plaintiff is incarcerated and  
3 proceeding pro se.

4 Defendant shall comply with the Order of Service within **14 days** of the date this  
5 order is filed. If additional time is needed, Defendant shall, in accordance with the  
6 instructions in the Order of Service, file a motion for an extension of time no later than  
7 **five days** prior to the deadline sought to be extended. Such a motion must be supported  
8 by a showing of good cause for the requested time extension.

9 Plaintiff’s motion for appointment of counsel (docket number 3) is DENIED for  
10 want of exceptional circumstances. The Court may reconsider this motion sua sponte  
11 should the circumstances of the case materially change.

12 IT IS SO ORDERED.

13 DATED: April 4, 2012

14   
15 JEFFREY S. WHITE  
16 United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ROBERTO X BLANDINO,

Case Number: CV11-04807 JSW

Plaintiff,

## **CERTIFICATE OF SERVICE**

V.

UNITED STATES et al.,

**Defendant.**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 4, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Roberto X. Blandino  
077 223 173  
41777 Grimmer Blvd F1  
Fremont, CA 94538

Dated: April 4, 2012

Jennifer Ottolini

Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk